



Date: October 3, 2023

To: Wanda S. Page, City Manager
Through: Bertha T. Winbush, Deputy City Manager
From: Marvin G. Williams, Director of Public Works
Subject: Adoption of the Upper Neuse River Basin Association (UNRBA) Consensus Principles II for the Revised Falls Lake Nutrient Management Strategy

Executive Summary

Falls of the Neuse Reservoir (Falls Lake) was included on the North Carolina (NC) list of impaired waters in 2008. This designation was due to excessive chlorophyll and turbidity in the lake. The Consensus Principles II provide guidelines and goals for the revised Falls Lake Nutrient Management Strategy rules. The Consensus Principles II will be used by the UNRBA member governments and contractors, as well as provide early input to the NC Department of Environmental Quality and the NC Environmental Management Commission regarding the contents of the revised rules. The attached resolution provides City of Durham support for the UNRBA Consensus Principles II.

Motion

To receive a presentation from the UNRBA Executive Director, Forrest Westall; and

To adopt a resolution supporting the UNRBA Consensus Principles II for the Revised Falls Lake Nutrient Management Strategy.

Background

Falls of the Neuse Reservoir (Falls Lake) was included on the North Carolina (NC) list of impaired waters in 2008. This designation was due to excessive chlorophyll and turbidity in the lake. The state then began developing a nutrient management strategy for the lake and watershed. The Falls Lake Nutrient Management Strategy went into effect in January 2011.

The UNRBA-developed Consensus Principles for the Falls Lake Nutrient Management Strategy were approved by City Council on February 18, 2010 (Attachment B), prior to finalizing the state rules. These principles were incorporated into the adopted rules and provided the foundation for a re-examination of the Falls Lake Nutrient Management Strategy. The original Falls Lake Nutrient Management Strategy was based on the years 2005-2007, which included an extreme drought. Member governments agreed this re-examination was needed to remove or reduce the effects of severe drought on the subsequent implementation requirements, and to examine needed implementation and implementation costs in a more comprehensive manner. Specific actions were listed in the Consensus Principles, all of which have been accomplished by the UNRBA.

The Consensus Principles II (Attachment C) build upon the 2010 Consensus Principles. The Consensus Principles II provide areas of common interest for the revised Falls Lake Nutrient Management Strategy rules. The Consensus Principles II will be used as guidelines for discussions between the UNRBA member governments and other stakeholders, as well as provide early input to the NC Department of Environmental Quality and the NC Environmental

Management Commission regarding the contents of the revised rules. Expectations for future roles of the UNRBA are also included in the Consensus Principles II.

The Consensus Principles II are based on another document, the Concepts and Principles (Attachment D). The Path Forward Committee of the UNRBA began working on the Concepts and Principles in 2022. The Concepts and Principles document went through UNRBA comment and editing periods between April and September 2023. In addition to the local government staff and contractors, comments were received from the Farm Bureau, American Rivers, and NC Division of Water Resources.

The approved Consensus Principles II will be part of a package submitted to the NC Division of Water Resources by December 2023. Also included in this package will be watershed and lake water quality models, scenario analyses using these models, and associated reports. After acceptance of the UNRBA package, the UNRBA and the Division of Water Resources will begin working on the revised Falls Lake Nutrient Management Strategy.

Issues and Analysis

The previous set of Consensus Principles have guided the actions of the UNRBA and member governments for over 10 years. Using the Consensus Principles as a guide, the UNRBA was able to accomplish several efforts that would have been difficult to get participation from specific governments or the NCDWR. The UNRBA was able to accomplish comprehensive lake and watershed monitoring from 2015 to 2018, develop water quality models that are used to evaluate cause and effect relationships, and develop Interim Alternative Implementation Approach (IAIA) to existing development compliance with Phase I of the current Falls Lake Rules. The information and knowledge gained through this process is reflected in both the Consensus Principles II and the Concepts and Principles document.

Alternatives

The City could choose not to support the UNRBA Consensus Principles II. Negotiations with all the participants in the re-examination of the Falls Lake rules could become more difficult and damage existing partnerships.

Financial Impact

There is no financial impact from the adoption of this resolution.

Equal Business Opportunity Summary

Due to the nature of this agenda item, it was not reviewed by the Finance Department for compliance with the Ordinance to Promote Equal Business Opportunities in City Contracting.

Contractor Workforce Diversity & Hiring Practices

Due to the nature of this agenda item, obtaining Contractor Workforce Diversity & Hiring Practices information is not applicable.

Attachments

A. Resolution approving Consensus Principles II

- B. Consensus Principles II adopted by the UNRBA Board of Directors on September 20, 2023
- C. Consensus Principles approved by the City of Durham, February 18, 2010
- D. Concepts and Principles for the Revised Falls Lake Rules
- E. Presentation from the UNRBA Executive Director, Forrest Westall